[29th November 1923

The motion that the Bill be read in Council was put and carried.

The Secretary then read the title of the Bill.

The hon. Sir CHARLES TODHUNTER :—" I beg to move, Sir, that the Bill be referred to a Select Committee consisting of the following gentlemen :—

2-45 p.m.

Mr. C. Madhavan Nayar,
" Bradford Leslie,
" J. L. P. Roche Victoria,
Rao Bahadur Cruz Fernandez,
" C. Gopala Menon,
" A. M. Murugappa Chettiyar,
Mr. T. N. Bava Ravuttar Muhammad Sahib Bahadur,
" A. J. Leech,
" K. S. Ponnuswami Pillai, and
The Mover."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I second it."

The motion was put and carried.

XIII

THE MADRAS STAGE CARRIAGES AND HACKNEY CARRIAGE (AMENDMENT) BILL.

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, this measure again, I am glad to say, does not fall within the category referred to in some of the earlier debates excepting to a limited extent which I shall presently explain. I shall first deal with the Bill in so far as it purports to repeal the Stage Carriages Act of 1861. That was a very early Act passed by the Government of India which originally did not apply to the Madras Presidency, but after the passing of the repealing Act of 1870, the Act was extended to the whole of British India with the saving clause that it shall not apply to carriages ordinarily plying for hire within the limits of a municipality or cantonment or other place in which any law for the regulation of carriages is for the time being in force. The Hackney Carriage Act of 1879 was passed to regulate and control carriages plying for hire within the town of Madras. It was revised by Act V of 1911 and has been extended from time to time to other municipalities and specified areas.

" The distinction between the two Acts is this : while the Hackney Carriage Act is applied to towns or other specified areas, the Stage Carriages Act has been till now applied only to roads. As a matter of fact, it has become a dead letter in most places owing to the replacement of the stage carriages by motor and omnibuses on roads in the mufassal. The present Act gets rid of that distinction. Many defects have been found out in the working of the Stage Carriages Act, some of which I shall enumerate now. Under the Madras Hackney Carriages Act, by-laws may be made with regard to the examination and qualifications of drivers and the conditions of their employment. No such provision exists in the Stage Carriages Act. Under section 12 of the former Act the public are very well safeguarded from actual misconduct on the part of the driver. There is nothing like that under the Stage Carriages Act excepting protection to the occupants in the carriage against the driver in case of an assault. The only other protection which the Stage Carriages Act provides is that the driver should not be

under 16 years of age. Under the Hackney Carriage Act, on the other hand, the carriages have to be registered and the drivers have to obtain licences. There is nothing corresponding to that in the other Act. Then again, it will be conceded that it is to the great advantage of the public that there should be some control over the rates of hire, but that is not possible now under the Stage Carriages Act. That control is being exercised, however adequately or inadequately, under the law which can be enforced under the Hackney Carriage Act, and the idea of the amendment is to put things on the same level. If the rates are higher, no control has been provided under the existing sections of the Stage Carriages Act. This Act has been extended only to a few districts, such as Salem, Ramnad and some other districts. There have been complaints from accredited citizens as to the imperfections of the Act and it is in accordance with the expressed desire of these representatives and in deference to their wishes that this amendment has been introduced. Moreover, there is no express power under the Hackney Carriage Act to extend it to any place oustide Madras. The present amendment seeks to get rid of that.

" The other aspect of the matter is this. It has been pointed out that the existing scales, as will be seen from the Bill, were fixed in 1879. They were never altered since then. As hon. Members of this House have more than once stated that it is not their intention, at the present sitting of the Council at all events, to consent to any extra taxation, or to extra fiscal burdens, and as this may at first sight appear to be a taxation enactment, let me make that perfectly clear. The sole and simple object of these apparently fiscal measures is to make both sides of the budget balance. At present we are losing Rs. 8,000 in giving badges and licences to the people which cost us Rs. 8,000 more than the fee we are able to levy from them. It is not the intention of Government to make a single pie of profit out of the working of this Act. The actual figures will be placed before the members of the Select Committee and the sole object of the Government is to see that both sides of the budget are balanced. The Government ought not to lose anything by the working of this Act, and so long as that object is attained, we do not want to make a pie out of this Act.

" Let me examine the circumstances. The existing scale under the Hackney Carriage Act was fixed in 1879 and has never been altered since. The pay of the establishment has been raised; the badges and plates now cost us far more than they used to do. Expenses of working the Act have increased considerably. (I am reading from the Report of the Commissioner of Police). In the year 1923 the total expenditure under the Hackney Carriage Act was Rs. 13,160, whereas the income to Government under the various heads, including fines, came to only Rs. 7,327. It is only in order to remedy that and to make the Act self-supporting that we seek to levy these particular scales. It will be quite open to the Select Committee to scrutinize those figures to see where further modifications might be made.

" With these remarks, I commend this Bill and move that it be read in Council."

The hon. Rao Bahadur A. P. Patro :—" I second it."

Rao Bahadur A. S. Krishna Rao Pantulu :—" Sir, I wish to make a few observations on the Bill which has just been introduced. I have nothing to suggest against that portion of the Bill which seeks to repeal the Stage

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Carriages Act in its application to the Presidency of Madras. It has been pointed out by the hon. the Law Member that in places where it has been introduced, it has been found to produce considerable difficulties and that it has become necessary to repeal that Act and incorporate certain provisions in the Madras Hackney Carriage Act. What I would think would require further consideration before we can give our support to this Bill is as to the necessity for increasing the existing scale of fees under the Hackney Carriage Act. It has been pointed out that the necessity has arisen on account of the increase in the expenses of working the Hackney Carriage Act."

The hon. Mr. C. P. Ramaswami Ayyar :—" Mainly in the cost of badges and similar expenses."

Rao Bahadur A. S. Krishna Rao Pantulu :—" Yes, mainly in the cost of badges. Sir, I should think that before we accept the principle which this alteration would involve, the matter would require to have a careful and detailed examination. It has been suggested, as one of the reasons for the introduction of this measure, that in a matter like the working of the Hackney Carriage Act, the revenue to Government should approximate to the expenses incurred in the working of the Act, and the only means of bringing this about is to raise the fees. That is what is stated in the Statement of Objects and Reasons."

The hon. Mr. C. P. Ramaswami Ayyar :—" I may say, Sir, that the Retrenchment Committee, which was a committee appointed by this Council, definitely proposed this after considering other means of making the budget balance."

Rao Bahadur A. S. Krishna Rao Pantulu :—" With due deference to the Retrenchment Committee, Sir, which, after it found itself unable to effect retrenchment in certain directions, found it necessary to suggest this increase of fees, I should consider it quite undesirable that we should give our assent to a motion which involves the acceptance of a principle that in administering certain Acts, the revenue should approximate to the expenditure which we have to incur in working those Acts. I think, if this principle is accepted in this particular case, there will be other similar cases wherein Acts introduced in the interest of the public would necessitate the imposition of fees and the imposition of penalties for the purpose of covering the expenditure incurred in the working of those Acts. It is more on the general ground that we should not give our assent to that proposition that I oppose this portion of the Bill. I would also point out that the general increase of fees provided in this Bill is likely to cause considerable hardship when we include in this category even rickshaws, perambulators and other conveyances drawn by persons. When we know, as a matter of fact, that these conveyances, even though very large in number in a city like this, are not likely to give immense profits to the individuals concerned, I think we should rather hesitate before we give our assent to a measure of this description. I would, therefore, submit that though we may give our assent to that portion of the Bill which seeks to repeal the Stage Carriages Act in its application to the Presidency of Madras, it is quite unnecessary to amend the provisions of the Hackney Carriage Act so far as the increased scale of fees is concerned."

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The motion that the Bill be read in Council was then put and carried.

The Secretary then read the title of the Bill.

3 p.m. The hon. Mr. C. P. Ramaswami Ayyar: —" Mr. President, I move that the Bill be now referred to a Select Committee, and the following are the Members of the Select Committee, whose names I commend for the acceptance of the House:—

The hon. the Raja of Panagal,
The Advocate-General,
Rao Bahadur C. Natesa Mudaliyar,
" O. Tanikachala Chettiyar,
" A. S. Krishna Rao Pantulu,
" C. V. S. Narasimha Raju,
Rao Sahib S. Ellappa Chettiyar,
Mr. Abbas Ali Khan,
Mr. S. Satyamurti, and
The Mover."

The hon. Rao Bahadur A. P. Patro: —" I second it."

The motion was put and carried.

The Raja of Ramnad (from the Chair) then read out to the Council the names of Members who have been nominated to the Finance Committee and said: "The Secretary will deliver to the Members a list of the nominated Members at his office at 4-30 p.m., and the hon. Members are requested to vote for six candidates and return them to the Secretary before 6 p.m. to-day. The Council will now adjourn and meet again some time early in December on a date to be fixed by the hon. the President of which due notice will be given to hon. Members."

The Council then adjourned.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.